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SPENCER COOPER, : : EDITOR.

HAZEL GREEN, KY.: WEDNESDAY.....JULY 15, 1885.

THE HERALD is read by over 10,000 people in Eastern Kentucky, and the rates are only about half those of any other paper, which as local family newspapers, do not in any degree compare with THE HERALD.

Democratic Ticket.
For Representative from Montgomery, Menifee, Powell and Wolfe counties,
DRURY S. COSDEY.
Independent Republican Ticket.
For Representative:
DR. FELIX M. THOMAS.

Eastern Kentucky.
[Cincinnati Journal.]

Further revelations of the condition of affairs in Eastern Kentucky lead the Courier-Journal again to direct public attention to that section of the State, and to fix it there until some remedy, effective and permanent, is devised and forced through the legislature.

The trouble is not superficial; it is not due to partisan passions and misdoings; it can not be remedied by a change of a few judges; by the punishment of a few ringleaders; or by the occasional presence of a select body of State troops.

We can not indict a whole people. The majority in any judicial district in the State is law abiding and anxious for that protection the law is supposed to give. Yet in two judicial districts the criminal law is of no effect. The State gives no protection to life; it punishes no murderer; an indictment, an arrest and imprisonment are three acts in a farce. Each man knows that the law has no terror for his enemies; that, if he is protected at all, he must protect himself. Thus murders increase in number and vindictiveness. The heart of the people is hardened, their conscience is seared, and the law of force displaces the law known elsewhere.

Ordinarily the remedy would be to hang several murderers and intimidate the others, but according to existing laws, the man charged with a crime is a privileged character. He has to be tried by his "peers," by his neighbors and friends, by those who know him to be bold, fearless, revengeful. He wants no change of venue and asks none, while the State has no choice in the matter.

As another means of protection the accused is allowed twenty challenges, and can thus quite certainly exclude competent jurors, as well as personal enemies, while the State is allowed only five challenges and after that is helpless, though it sees the plans of the friends of the accused for fixing a jury.

The remedy for this is just to extend the territorial limits from which a jury is to be chosen. The Federal juries are summoned from all sections of the State, and juries in criminal cases should at least come from all the counties in the district.

Next, the number of challenges for the State should be the same allowed the accused.

There are not so much steps toward severity as they are steps toward justice. There is nothing severe, savage, brutal, in punishing a man for his own deeds, and yet in hundreds of instances a jury of a man's "peers"—which usually means a man's friends, and often means his confederates—shields him from the consequences of acts of which he is confessedly guilty.

We speak of the jury system as the palladium of our liberties, and it was so once. It was the shield of the subject against the tyranny of the king. It was a grand device for thwarting the designs of the government against the private citizen. In those days the people were not the government, and they had more to fear from the exactions and usurpations of superior power. It is a noble device; it is more than this, for it may, by wise adaptation to these times, be made the noblest institution of a free people; but we have to fear now, not the malice of the king, but the malice of the assassin; not the oppression and usurpation of those in authority, but the ungoverned passions of the criminal classes, and the jury system as at present constituted is a stumbling block in the path of justice.

Another difficulty is that our judicial districts are much too large. We, with others, have been disposed to censure Judge Finley because of the prevalence of disorder in his circuit, but a careful examination shows that no judge could, in so large a district, whatever his disposition or character, or legal learning, faithfully execute the laws, measuring out justice, between man and man. There are twelve counties in his district, and if he held court each day in the year he could not in three years clear his docket, though no new indictments were found and no new petitions filed. For this the legislature, and not Judge Finley, is responsible. The facts were duly presented to the last legislature, or rather they were put before the judiciary committee, but no action was taken.

This district must be divided before permanent relief can be afforded. Delayed justice is often the grossest injustice, and always it is deprived of its restraining power.

We believe that, as soon as thorough measures of reform are adopted, the counties which are now under the ban will redeem themselves. As soon as the good people see that the law can no longer be wrenched to the defence of crime, they will themselves put down "a spirit" which has so long dominated them. The forms of law and often its machinery have been used as instruments to further the designs of the malevolent and the revengeful. Stricter measures must be adopted for the punishment of officers who neglect their duties or abuse their powers. If one judge refuses bail, another judge is applied to; or, failing in the act, two justices may issue the writ of habeas corpus and on a mere nominal bond turn loose some murderer or assassin. These officers who abuse their powers should be rigidly and promptly punished and deposed, and in any other community they would be so punished, but in the region we are now considering the whole judicial system is paralyzed and only those laws can be enforced which give further latitude to crime.

The Courier-Journal is seeking, in these discussions, only the good of the State. It has no sectional, no partisan, no personal feelings involved. We would treat Judge Finley with exactly the same consideration we would show Gov. Knott. We think too much stress is put on the

political aspects of the trouble. We see no politics in it. If Judge Finley has, as a partisan, abused his position we would be glad to have the facts substantiated the charges. For ourselves, we have nothing to justify such an accusation. We think he has not been severe or rigid enough; we think he has not been quick enough to punish those who have by their actions shown contempt of his authority, but at this distance and realizing to some extent, at least, the numerous difficulties which embarrass him, we are not disposed to insist even on this with any harshness. Truly, his responsibilities are great, but so are the responsibilities resting on the legislature, on the governor, on the press, on the church. It takes no great discernment to see how in this matter we have all come short of our duty as good citizens. Neglect and indifference can no longer be tolerated. The condition of affairs in Bell, Letcher, Knott and Rowan has not been in the least exaggerated; it is as bad as it can well be. There is in fact no law there, except the law of the shotgun. The courts are not interfered with, but their decrees are not often executed, and often they are not entered. Plainly, the remedy to meet the emergency must go behind the merely superficial appearance, and change the whole order of society. We must have a system of laws which can be enforced.

The Eastern Kentucky Broils.
JACKSON, BREATHITT CO., Ky., July 7.

The scenes now being enacted in Rowan and other counties in Southeastern Kentucky, calls vividly to mind the history of Breathitt county. In view of the fact that it has occurred to me that a word from this county as to its present condition might be of interest to your readers, if the history of Breathitt county can in any way aid in solving the problem of what can be done for Southeastern Kentucky, then the earnest desire of your correspondent will be realized. Breathitt county to-day is as quiet as any county in the Commonwealth. Lawlessness is a thing of the past. Our people are hard at work trying to make an honest living. Not only has violence disappeared, but the people are taking a deep interest in the education of their children. There are sixty school districts in the county, and schools are taught in each one of them. True, the houses are very poor, and in many instances the teachers are incompetent, but there is a rapid improvement going on in this direction. The people are taking great interest in religious matters. Arrangements are already made for building several new houses of worship in the county. The statement so often made, that there is not a church in Breathitt county, is misleading. It leaves the impression that there is no religion among our people. True, there are no houses erected and used exclusively for that purpose, but there are divers houses built for schools and church purposes combined, and there are many devout worshippers who gather steadily within these to worship. Most of these houses are unfit for either school or church uses, and newer, better houses are greatly needed.

The gospel has been the power which has wrought the great change that has been made in Breathitt. It is the mightiest of all civilizers. Where it is faithfully preached and truly exemplified in every day life, results will surely follow. Education has been a subordinate factor. These two forces combined, can do all that mankind needs, no matter how desperate the case may be.

The better element of society has come to the front and are in buoyant spirits. This is a long step forward. There was a time when they had given up. The world will hear from Breathitt in the future. Her youth are possessed with bright intellects, and these are being trained. The past has demonstrated the need of power here. Let that be properly directed and it will be as potent for good as it once was for evil.

JOHN JAY DICKEY.
A DIFFERENCE OF OPINION.
I see a communication in your paper from my esteemed friend and co-laborer, Prof. John Jay Dickey, in which he says that "the statement that there is no church in Breathitt county is liable to lead the people astray." I have had the honor to represent the Presbyterian Church in that county since last fall, and have made the assertion repeatedly that there is not a single church building in all that vast territory, and I am sure that if your readers could see the structures in which we worship, they would say that the half had not been told them. Prof. Dickey, in his report of church work, makes the identical statement in the Central Methodist.

I might further add that in the very county seat of Breathitt, there is not a "solitary church or school building," rude or otherwise, but that everything that is done in the way of teaching and preaching, is carried on in the court-house, which is in such a dilapidated condition that it is considered unsafe to occupy it. The church, which I have the honor to represent, has laid the foundation of the very first church edifice ever projected in that county, and the prospect is good that our Methodist brothers will soon do likewise. We hope soon to see all Christian denominations erect houses of worship. The work to be done is vast, and we cordially invite them all to enter in and co-operate with us in building up the Redeemer's kingdom.

Respectfully, &c.
W. B. COOPER.
Judge John E. Cooper.
[Sentinel-Democrat.]

Last Tuesday closed the summer term of the Montgomery circuit court, after a long session of five weeks continuous hard work. To say that the people have been pleased with the court and the excellent business and judicial habits of its presiding officer, but freely expresses the state of feeling in this county. Judge Cooper came here a comparative stranger. His qualifications and business habits were alike unknown quantities to our people. This term has weighed him in the balances, and he has not been found wanting. It has sifted him like chaff and nothing but good wheat has been found remaining. Judge Cooper has shown himself to be the possessor of a sound legal education, of fair and impartial judicial mind, of great firmness, of unquestioned honesty of purpose and a capacity for steady, hard work that has never been equaled in this district. He came a stranger, he left with almost every good citizen in the county, regardless of politics, his active friend and supporter.

In his official conduct, Judge Cooper draws the line between judge and lawyer or litigant, clearly and distinctly. On the bench he is the judge—the representative of the law. He knows no man in the discharge of his duty. When dilatory motions and dilly-dallies were filed before him to delay justice, he would prick them like bags of wind. He was never idle. From eight in the morning until six in the evening he made the lawyers and jurists work, and Saturday made no exception to the rule. "You must try this case," was the slogan of the term, and in every respect he emphasized the

fact that he was the servant of the people, doing their work. That he did it faithfully, fearlessly and impartially is the unanimous verdict of the people of this county. We can not find Judge Cooper will have any opposition for a second term, and it would be but justice to give him the nomination as a reward for his excellent record as a circuit judge.

Lizards in His Stomach.

ORANGEBURG, N. C., July 8.—Samuel Crowell, an old darkey on the farm of John P. Cuttino, twenty miles from this place, while chopping wood yesterday morning was taken violently ill. Dr. Sully, of this place, was called and found the old man in convulsions. He kept grasping at his sides as if something were gnawing at his vitals. The physician, observing this administered an emetic. Soon after taking the medicine the old man began vomiting, and within ten minutes had ejected from his stomach six full grown lizards. The old darkey soon began to improve, and in a couple of hours was able to get out of bed. Investigation proves that four years ago while drinking from a spring the negro swallowed what at that time he said was a lizard, but as it gave him no trouble he soon forgot about it. The one he swallowed was doubtless a female and the others were born in his stomach. Dr. Sully has preserved the lizards in alcohol and they are the talk of the whole county.

John Henry, the picture man, was in Campton Monday with his photographic outfit, and did some very good work. He will be here in a few days, and our readers should wait until he comes. They can then "secure the shadow ere the substance fades," and have the work done in good style. He took on "pictor," and didn't break the instrument, but many of our friends think he run a terrible risk. So if you are no worse luckier than we, you can get a good picture if you will only wait for John Henry.

Louisville Commercial: "What is most needed now is the appearance of Dick Tate on the scene. The Covington Commonwealth in regard to the treasurer race. Mr. Tate announced in his card that he had never made a canvass of the state, so that many voters have never seen the gentleman. One for whom the people have been instructed to vote should exhibit himself in public, and give the voters the benefit of his views.

CHAPTER 27.

AN ACT for taking the sense of the good people of this Commonwealth as to the necessity and expediency of calling a Convention to amend the Constitution, and to ascertain the number of persons entitled to vote for Representatives.

WHEREAS, experience has pointed out the necessity of amending the constitution, and the necessity and expediency of calling a Convention for that purpose; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky: § 1. That at the next General Election held for representative to the General Assembly, it shall be the duty of the several Sheriffs and other Officers of Election to open a poll for taking the sense of the people as to calling a Convention to amend the Constitution, and make a return to the Secretary of State, for the time being, of the names of all those entitled to vote for Representatives who have voted for calling such convention.

§ 2. That for any failure to perform the duties prescribed in the first section of this act, every Sheriff or other returning officer, shall be liable to a fine of five hundred dollars to be recovered by indictment of the Grand Jury in any court having jurisdiction, and shall also upon conviction be subject to removal from office.

§ 3. That it shall be the duty of the Officers of said Election to propound to every voter the question: "Do you vote for calling a Convention or not?" And if such voter shall answer in the affirmative, his name shall be recorded as voting for said Convention.

§ 4. That all Assessors are hereby required to enroll, in a column which each shall open in his Assessor's book for that purpose, the names of all citizens having the right to vote for representatives for the year 1885. But said Assessors shall not enroll in such column the name of any person unless they shall at the time know that he is entitled to vote for Representative of said county; and such knowledge shall be founded only upon (1) the personal acquaintance of the Assessor, or (2) a satisfactory statement under oath, from other credible persons who know the facts necessary to the qualification of such voter. Any Assessor enrolling in said column any name, without such knowledge or information, shall be deemed guilty of a misdemeanor, and fined in a sum not less than twenty nor more than fifty dollars for each and every name thus improperly enrolled, which fine may be recovered in any Court having jurisdiction, and shall be for the benefit of the common schools. Said Assessors shall be governed in all cases by the laws then in force to prevent illegal voting. Said column, written in a fair and legible manner, shall be returned, with said Assessors' book to the Auditor, who shall make out a copy of said columns and deposit the same in the office of the Secretary of State, to be reported by him to the next General Assembly.

§ 5. It shall be the duty of each Assessor in office for the year 1885, before he shall have entered upon the duties of his office, to go before the Judge of the County Court and make the following oath: I do solemnly swear, that I will faithfully ascertain the number of persons qualified to vote for Representative in the district for which I have been chosen Assessor for the year 1885, and will carefully report the same in the book returned by me as assessor of tax by the first day of May, 1885.

§ 6. Said Assessors are hereby required to examine on oath as to his right to vote for Representative, any person of whose right to vote such Assessor has any doubt whatever; and any one thus examined, who shall knowingly swear falsely as to his right, shall be liable to all the pains and penalties that shall be imposed by every Assessor shall write opposite to the name of each person thus sworn the word "sworn."

§ 7. It shall be the duty of the Secretary of State to have this act advertised in one weekly newspaper in each county of the Commonwealth for four weeks, nearly or next preceding the election, and in the case of the counties of Louisville for thirty days immediately prior thereto; and in every county said Secretary shall cause to be posted at the Court-house door a copy of said Bill, printed in hand bill form, for at least four consecutive weeks before said election.

§ 8. The Public Printer is hereby required to print five hundred copies of the Fourth, Fifth and Sixth Sections of this act, and deliver them to the Secretary of State whose duty it shall be to transmit them to the various County Clerks; and it shall be the duty of such Clerks to place them promptly in the hands of each Assessor of tax for the year 1885, in their respective counties. It shall also be the

duty of the Public Printer to print five thousand copies of this act upon a separate sheet, and deliver them to the Secretary of State, who shall forward the same to the County Clerks of the various counties in such numbers as to provide at least two copies of said act for each voting precinct; and said clerks shall deliver the same to the Sheriffs or other officers acting in place thereof; and it shall be the duty of such Sheriff or other Officer to post one copy of said act at each voting place for four weeks prior to said election, and another copy at some other suitable public place in said precinct; and any Officer failing to discharge the duties prescribed in this act, shall be fined for each failure twenty dollars, to be recovered in any court having jurisdiction.

§ 9. This act shall take effect from its passage.

Approved January 19, 1884.

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